

REMARKS

This Response is submitted in reply to the Office Action dated September 5, 2003. At the outset, it appears that the Patent Office did not record the revisions to the specification and the claims included in a Preliminary Amendment, which Applicants filed on February 14, 2000. In the Preliminary Amendment, Applicants canceled claims 1-12 and added new claims 13-25. Therefore, Applicants will respond to this Office Action in view of claims 13-25 submitted in the Preliminary Amendment. Based on the Preliminary Amendment, claims 13-25 are pending in the patent application. No amendments have been made to the claims and the specification in this response. No new matter has been added.

In the Office Action, the drawings and claims were objected to based on informalities. The specification was objected to based on informalities. Claims 1-6 and 8-12 were rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 5,903,618 to Miyake et al. (“*Miyake*”). Additionally, claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Miyake* in view of FCC rule, title 47-Telecommunication, Chapter I: Federal Communications Commission (FCC) (“*FCC*”).

As a preliminary matter, the Patent Office objected to the drawings based on informalities. Specifically, the Patent Office objected to Figure 1 because Figure 1 did not show element 13 as disclosed on page 6, lines 26 to 27 and 34, page 7, lines 2 and 37. Additionally, the Patent Office stated that the elements in Figure 1 lacked descriptive legends. Applicants have amended Figure 1 to include element 13 and to include descriptive legends. Therefore, Applicants respectfully submit that the objection to Figure 1 is now moot.

As another preliminary matter, the Patent Office objected to claim 5 as to an informality. The Patent Office also objected to claims 3 to 7 and 10 to 11 under 37 C.F.R. § 1.75(c) as being in improper form because these claims include multiple dependencies on other claims. Applicants submitted a Preliminary Amendment on February 14, 2000, a copy of which is attached. In the Preliminary Amendment, Applicants made revisions to the claims which corrected the informality and the multiple dependency issues cited by the Patent Office. Therefore, Applicants respectfully submit that the objection to claims 5, 3 to 7 and 10 to 11 are now moot.

As a further preliminary matter, the Patent Office objected to the specification based on informalities. Specifically, the Patent Office stated that the headings were missing from the specification. As stated above, Applicants previously submitted the Preliminary Amendment which included amendments to the specification to include, among other things, the headings of the different sections of the specification. Therefore, Applicants respectfully submit that the objection to the specification is now moot.

Claims 13-18 and 21-25 (previously claims 1-6 and 8-12) were rejected under 35 U.S.C. § 102(e) as being unpatentable over *Miyake*. Applicants respectfully submit, for the reasons set forth below, that *Miyake* does not disclose, teach or suggest the elements of claims 1-6 and 8-12.

Applicants note that it is well settled that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegall Bros. v. Union Oil Co. Of California*, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). See also MPEP 2131. In the present case, *Miyake* does not disclose every element of claims 1-6 and 8-12. Therefore, these claims cannot be anticipated by *Miyake*.

The claimed invention transmits control data from a fixed station whereby the control data indicates the carrier frequency of the current time slot in a predetermined sequence using check data. This means that the claimed method and system transmit data in each channel (i.e., data that is contained in a data packet which is composed of a control region and a descriptive region).

The control region has data for synchronizing the operation of a mobile unit to be registered with the operation of the fixed station. If the processor and the fixed station (for determining the sequence which indirectly provides the changes of the carrier frequency of the fixed station) has a number of algorithms, the control region contains data which identifies the utilized algorithm. For synchronizing purposes, the control region also contains data that indicates which position in the predetermined sequence corresponds to the carrier frequency used for the current time slot. Referring to Fig. 3, this figure shows the data of the control region, namely, data characterizing the utilized algorithm and data characterizing the current position of

the sequence of the current algorithm, which are transmitted from the fixed station to the mobile unit (specification, page 10, lines 16 to page 11, line 2). The carrier frequency is changed, via both the mobile unit and the fixed station, after a predetermined time period according to the predetermined sequence.

The claimed invention therefore includes a fixed station for registering a mobile unit at the fixed station, transmits first data which identifies the last used algorithm, or respectively, which identifies the predetermined sequence (the sequence determination is carried out with the algorithm) and transmits second data characterizing the current position of the sequence of the current algorithm (see Figs. 1 to 4).

Miyake describes a multimode radio communication system that transmits a “frequency hopping pattern” which is comparable to the sequence or, the algorithm used by the claimed invention, from the transmitting terminal (i.e., the fixed station) to the receiving terminal (i.e., the mobile unit) (Col. 5, lines 24-46). *Miyake*, however, does not mention that the fixed station for registering a mobile unit additionally transmits controlled data which indicates the position of the carrier frequency of the current time slot in the predetermined sequence. In fact, *Miyake* does not transmit the controlled data because *Miyake* is not concerned with the registration of the a mobile unit at a fixed station and is not concerned with how such a registration functions in a FHSS system (Frequency Hopping Speed Spectrum). In *Miyake*, the frequency hopping pattern of the transmitting terminal is transmitted to the receiving terminal prior to the beginning of the communication between the transmitting and receiving terminal (Col. 5, lines 37-40). Additionally, the elements of the claimed invention including the determination of the position of the carrier frequency of the current time slot and the predetermined sequence on the basis of the control data by the mobile unit are not disclosed in *Miyake*.

Accordingly, *Miyake* does not disclose all of the elements of the claimed invention and, specifically, does not disclose all of the elements of the claims 1-6 and 8-12. Therefore, claims 13 and 21, and claims 14 to 20 and 22 to 25, which depend from claims 13 and 21, are each patentably distinguished over *Miyake* and are in condition for allowance.

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Miyake* in view of *FCC*. Claim 7 has been rewritten as claims 19 and 20, respectively, in the Preliminary Amendment. Claims 19 and 20 depend from claim 13. Applicants respectfully submit that

claims 19 and 20 are allowable for at least the reasons set forth above with respect to claim 13 because the combination of *Miyake* and *FCC* does not disclose, teach or suggest the novel elements of claims 19 and 20 in combination with the novel elements of claim 13. For these reasons, claims 19 and 20 are each patentably distinguished over the combination of *Miyake* and *FCC* and are in condition for allowance.

In light of the above, Applicants respectfully submit that claims 13-25 (previously claims 1-12) are patentable and non-obvious over the art of record because the cited references *Miyake* and *FCC*, either taken alone or in combination, do not disclose, teach or suggest all of the elements of claims 13-25. Accordingly, Applicants respectfully request that claims 13-25 be deemed allowable at this time and that a timely notice of allowance be issued in the case.

No fees are due in this case. If any other fees are due in connection with this application as a whole, the Patent Office is authorized to deduct the fees from Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. (112740-103) on the account statement.

Respectfully submitted,

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